

OFFICIAL INFORMATIONCONFIDENTIAL**EVIDENCE CODE SECTION 1040
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: February 24, 2020

TO: Honorable Board of Police Commissioners

FROM: Inspector General

SUBJECT: OFFICER-INVOLVED SHOOTING 015-19 FOR 3/3/20 CLOSED-SESSION AGENDA

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
Newton	4/20/19	9:21 p.m.		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Trujillo, E./PO II	3 years, 7 months

<u>Total Involved Officer(s)</u>
1 x PO III 2 x PO II

<u>Suspect(s)</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
Curley Lee Duff: Black Male, 39 years of age.			

COP Recommendations

Tactics – Tactical Debrief, Officers Chessum, Trujillo, and Covarrubias.

Drawing/Exhibiting – In Policy, No Further Action, Officers Chessum and Trujillo.

Non-Lethal Use of Force – In Policy, No Further Action, Officer Covarrubias.

Lethal Use of Force – In Policy, No Further Action, Officer Trujillo.

IG Recommendations

Tactics – Same as COP.

Drawing/Exhibiting – Same as COP.

Non-Lethal Use of Force – Same as COP.

Lethal Use of Force – Same as COP.

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INVESTIGATION

Synopsis:

On Saturday, April 20, 2019, at 2121 hours, Newton Area uniformed Gang Enforcement Detail (GED) officers went in foot pursuit of a man with a gun in the Pueblo Del Rio Public Housing Development. A second suspect tracked and intercepted the foot pursuit and fired multiple gunshots at one of the officers, resulting in an Officer-Involved Shooting (OIS).

Annotated Force Investigation Division (FID) Incident Summary¹

On Saturday, April 20, 2019, Newton GED Police Officer III Ian Chessum, Serial No. 40895, and Police Officer II Enrique Trujillo, Serial No. 42259, were assigned Unit 13G32. Officer Trujillo joined the Newton GED six days prior to this incident and had worked with Officer Chessum on five prior occasions. According to Officer Chessum, each day prior to their start of watch, they discussed tactics, including the topic of foot pursuits. They specifically discussed the importance of broadcasting their location, not separating, and knowing when to disengage a foot pursuit. Officer Chessum told Officer Trujillo that due to his familiarity with the area, he (Officer Chessum) would most likely be the one to broadcast during a foot pursuit. In regards to pursuing an armed suspect, Officer Chessum stated they discussed the concept of apprehension verses containment and indicated their goal would be to establish a perimeter and request additional resources, rather than try to catch up to a suspect and take them into custody.²

At approximately 2120 hours, the officers had just completed an unrelated traffic stop and were conducting crime suppression in the area of the Pueblo Del Rio Public Housing Development, hereafter referred to as the Development.³ This location is “claimed” by the Pueblo Bishops Blood criminal street gang. Officer Chessum stated he received information that members of the 38th Street criminal street gang had recently

¹ The Incident Summary presented here is reproduced from FID’s report regarding this case and is supplemented with annotations by the OIG. All OIG annotations are referenced as an “OIG Note.” All other references and citations in the reproduced FID Incident Summary (e.g., Investigators’ Notes or Addenda Items) are reproduced directly from FID’s report. Unless otherwise stated, all information provided in OIG annotations is derived from FID’s investigation of this incident.

² Officer Chessum, 7 years, 5 months with the Department, 6 feet 2 inches tall and 185 pounds. Officer Trujillo, 3 years, 7 months with the Department, 5 feet 7 inches tall and 180 pounds. Both officers were wearing their ballistic vests, and each had a Department-approved handgun, TASER, collapsible baton, Oleoresin Capsicum (OC) spray, handcuffs and a Hobble Restraint Device (HRD) attached to their Sam Browne equipment belt. Both officers were also equipped with Body Worn Video (BWV) cameras affixed to the front of their uniform shirts. The officers’ vehicle, Shop No. 87040, was a marked black and white Ford Crown Victoria with a forward facing red light and a Digital In-Car Video System (DICVS) camera mounted inside the front windshield. Officer Trujillo was the driver and Officer Chessum was the passenger.

³ This time was derived from the officers’ DICVS.

driven through the Development, presumably looking for rival gang members. Officer Chessum believed that if a “38 Streeter” was in a rival gang’s territory, they were probably armed with a firearm. He and Officer Trujillo were patrolling this area to prevent that type of gang activity from occurring.

As the officers drove west on East 52nd Street, Officer Chessum observed a silver BMW in front of him slowly traveling north on Holmes Avenue.⁴ Based on his experience, Officer Chessum believed the occupant(s) of the vehicle may have been gang members looking for rivals. The BMW turned west onto East 52nd Street and accelerated toward Long Beach Avenue. The officers estimated the driver’s speed to be between 45 to 50 miles per hour on the residential street, in violation of California Vehicle Code (CVC) section 22350.⁵ The officers alerted each other to their observations and began following the vehicle. They also observed the BMW fail to stop for a posted stop sign at the intersection of East 52nd Street and Long Beach Avenue. The driver then turned north on Long Beach Avenue and east on East 51st Street. Officer Chessum stated they intended to stop the vehicle for the observed violations; however, they first wanted to run a license plate check via their Mobile Digital Computer (MDC). Their intention was to determine the registered owner’s information and whether the vehicle was stolen or involved in a crime. Officer Chessum was in the process of conducting this check when the driver stopped on East 51st Street, west of Holmes Avenue.⁶ In response to the driver’s actions, Officer Trujillo activated his vehicle’s forward-facing red light and stopped behind the BMW.

Note: The investigation determined that Jermaine Edwards was the owner of the BMW. Although Edwards matched the description of the driver, he was not identified as such nor was he shown to have any involvement in the subsequent OIS. According to the Department of Justice “CalGang” database, Edwards was a documented Pueblo Bishops Blood criminal street gang member with a moniker of “J Kill.”

The officers observed the driver open the driver’s door and exit the vehicle. According to Officer Chessum, when the driver turned to face them, he observed and [an] unnatural budge in his right front waistband area.

OIG Note No. 1: As described by Officer Chessum, “I also observed in his front waistband a bulge and what appeared to be a dark object like a small portion of the object sticking out from under his shirt that was underneath his sweater that he was wearing.”⁷ Officer Chessum later added that the

⁴ California License Plate No. 6YLJ694

⁵ The speed limit for this section of 52nd Street was 25 miles per hour.

⁶ East 51st Street is a two-way street; however, vehicles parked on the south side of the street prevented more than one vehicle from traveling in an east or west direction at the same time. A cinder block wall ran along the north side of the street and buildings from the Development bordered the south side.

⁷ Chessum, Page 17, Lines 2-5.

"bulge" was "unnaturally not aligning with his [the driver's] body figure," which Officer Chessum described as thin.⁸

Officer Chessum also believed he observed the black edge of a handgun grip tucked into the driver's pants, underneath his shirt. Officer Trujillo stated that when the driver exited and turned, he observed his right hand in the center of his waistband, as if he was concealing a handgun.

As the officers exited their vehicle, the driver turned away from them and ran past the front of the BMW and south into the Development. The officers immediately went in foot pursuit and also ran past the BMW. Officer Chessum stated it is his practice to clear a vehicle of all persons before running past it. In this instance, he glanced into the BMV as he ran by it, but he was unable to positively determine if there was anyone else inside. Officer Trujillo indicated he visually cleared the vehicle as he ran past it and determined there were no additional occupants.

OIG Note No. 2: According to Officer Trujillo, *he ran past the driver's side of the vehicle. As described by Officer Trujillo, "And at the time, I believe the dome lights were on [inside the vehicle] which allowed me to clear the car as I'm passing by the vehicle and observing no other subjects or suspects inside the vehicle."⁹*

Note: Officer Trujillo believed he may have unholstered and maintained his pistol in a close-contact position as he cleared the vehicle. Force Investigation Division (FID) investigators reviewed the Development's security video, the officers' DICV and Officer Trujillo's BWV, and determined he did not unholster his pistol until later in the incident.

Officer Trujillo activated his BWV approximately fifteen seconds after the driver stopped and exited the vehicle. Officer Chessum did not activate his BWV until later in the incident upon hearing gunfire. Officer Chessum stated this delay was due to him having to respond to the driver unexpectedly stopping his vehicle and running from them.

Officer Chessum held his flashlight in his right hand and his police radio in his left hand. At 2121:09 hours, after passing the BMW, he broadcast, *"George 32, foot pursuit man with a gun, southbound from 50th and Duarte. Male Black, gray sweater, brown pants, approximately 30 years of age, six foot, he is running westbound through the cut."*¹⁰

⁸ *Id.*, Page 47, Lines 13-16.

⁹ Trujillo, Page 9, Lines 7-10.

¹⁰ Unless otherwise noted, the times in this report were derived from the officers' BWV and all broadcasts were made over the Newton Area Base Frequency.

Note: The officers were southbound from East 51st Street and Holmes Avenue. Duarte Street and East 50th Street do no intersect. Duarte Street is located approximately two and a half blocks west of Holmes Avenue. East 50th Street is located one block north of East 51st Street. The officers did not update their status after concluding their prior traffic stop and their unit status listed them at East 52nd Street and Alba Street at the onset of the foot pursuit.

The officers stated they were in containment mode during the foot pursuit. Officer Chessum indicated they pursued the driver to maintain sight of him and broadcast their location and direction of travel with the intent to establish a perimeter. Officer Chessum indicated that at points during the foot pursuit, he slowed his pace and took a wide path around corners as he visually cleared the surrounding areas. Officer Trujillo said that his focus was to maintain sight of his partner and an awareness of their surroundings.

A review of the Development's security video determined that during the foot pursuit, the distance between the officers varied at times between approximately five to ten yards. Similarly, the distance between the driver and Officer Chessum varied between approximately 20 and 30 yards. The investigation determined that the driver led the officers in foot pursuit south from East 51st Street into the Development between Buildings 8 and 9. He continued in a southwest direction between Buildings 17 and 18 and turned north along the west side of Building 17. He then ran between Buildings 12 and 13 and continued west onto East 51st Street toward Long Beach Avenue.

[This space intentionally left blank.]



Satellite photo depicting the driver's path during the foot pursuit

A review of the Development's security video determined that as the driver and the officers ran north toward Building 12, a male Black, later identified as Curley Lee Duff, ran west from Building 11 toward the foot pursuit.¹¹ As the driver continued north along the west side of Building 12, Duff briefly stopped southeast of Building 12. Officer Chessum can be seen running approximately 40 feet west of Duff, trailing the driver by approximately 10 seconds. As Officer Chessum passed the south side of Building 12, Duff ran behind him, while holding a handgun [.45 caliber semiautomatic pistol] down at his right side.^{12 13} Officer Trujillo was trailing his partner at this point by approximately four seconds. Duff then looked south in Officer Trujillo's direction before abruptly turning and running toward him, while firing.¹⁴

¹¹ Curley Lee Duff, 5 feet, 7 inches tall, 170 pounds, 39 years of age.

¹² The distance between Officer Chessum and Duff is an estimate derived from Google Maps after reviewing the Development's surveillance video and measuring the distance between known landmarks.

¹³ When Duff was interviewed, he indicated he accessed the handgun from his front right pocket [shorts].

¹⁴ Duff is a Pueblo Bishops Blood criminal street gang member. The investigation did not determine if this was a preplanned or coordinated attack between Duff and the driver of the BMW.

Officer Trujillo stated that when he observed Duff running behind Officer Chessum with a handgun in his right hand, it appeared he was tracking his partner to shoot him in the back. As Duff turned his attention toward Officer Trujillo, he believed he was going to be shot and unholstered his pistol. Officer Trujillo heard gunfire and observed muzzle flash emanating from Duff's handgun. Officer Trujillo utilized a two-handed grip and exchanged gunfire with Duff from a decreasing distance of ten to two feet.

Note: Officer Trujillo believed he initially fired from a close-contact shooting position, before transitioning to a two-handed grip.¹⁵ The video evidence, however, appears to show him firing his first round with his pistol in his right hand fully extended away from his body.

[This space intentionally left blank.]

¹⁵ Officer Trujillo demonstrated a close-contact shooting position as holding his pistol in his right hand with his right wrist flush against his right lower ribs.



Regarding his observations and decision to use deadly force, Officer Trujillo stated, “...it's within maybe a second that he turns, faces me, and he immediately fires a round at me. I -- once I see the first round, I can see the muzzle flash, and I saw the gun, I immediately drew my firearm and fired.¹⁶ “By the time I observed him, he observed me, he turned and pointed the gun at me, there was -- it was not feasible to give any type of command. It was -- he escalated it. The suspect's actions escalated it to the point where I needed to take immediate defense of my life, and I needed to unholster and fire -- fire rounds back at him.”¹⁷

On the Development’s security footage for this incident, muzzle flashes can be seen emanating from Officer Trujillo and Duff’s pistols. In analyzing this video, it was determined Duff was the first to discharge his weapon. Officer Trujillo responded by firing two volleys in rapid succession. In his first volley, Officer Trujillo discharged rounds in a north, northeast, and easterly direction as he side-stepped clockwise around Duff. During this interaction, Duff appeared to fire an additional two rounds. As Duff passed Officer Trujillo and was in the process of falling to the ground, muzzle flash can again be seen emanating from Duff’s handgun. After a momentary pause, Officer Trujillo fired additional rounds in a southerly/downward direction at Duff. Officer Trujillo

¹⁶ Trujillo, Page 10, Lines 13-16.

¹⁷ Id., Page 66, Line 22 – Page 67, Line 4.

was not certain about the total number of rounds he fired at Duff, but he said it could have been as many as six.¹⁸

Note: Officer Trujillo did not recall if he was moving while shooting and believed Duff remained nearly stationary as they exchanged gunfire.

Officer Trujillo said he ceased firing when he believed Duff stopped moving and was no longer a threat. He observed Duff lying face down on the pavement with his pistol approximately six to twelve inches away from his right arm. Although Officer Trujillo remained on his feet, he felt pain in his left leg and realized he had been shot. He immediately attempted to broadcast that shots had been fired, but upon activating his radio, he received a busy tone indicating the frequency was not available. Officer Trujillo limped a short distance north and met with Officer Chessum, who upon hearing the gunshots, ceased pursuing the driver, activated his BWV and broadcast “shots fired.”

Note: Officer Trujillo sustained gunshot wounds (GSW) to his left chest/shoulder, left upper back, left groin, and left buttock.



Image from the Development's security video



Image from Officer Trujillo's BWV

Officer Chessum unholstered his pistol upon hearing gunfire, because he believed he and his partner’s life or the life of a community member could be in danger. As the officers met, Officer Trujillo advised his partner he had been shot in the leg.¹⁹ Officer Trujillo’s vision started to blur, and he felt as though he was going to lose consciousness. He holstered his pistol at that point, because he was concerned he might lose possession of it if he fell with it in his hand. Officer Chessum continued east past Officer Trujillo toward Duff, who was lying motionless on the ground. At 2122:14 hours, Officer Chessum broadcast that they had an officer shot and a man down and

¹⁸ The investigation determined Duff fired a total of four rounds during this incident. According to Officer Trujillo, at the time of the OIS, his pistol was loaded to capacity with 14 rounds of ammunition. A post-incident examination determined the pistol was loaded with seven rounds of ammunition. There were six discharged cartridge cases recovered at scene that were attributed to Officer Trujillo’s pistol. The potential seventh casing was not located. The investigation was unable to determine if Officer Trujillo fired a total of six or seven rounds.

¹⁹ This information was obtained from Officer Trujillo’s BWV.

requested two Rescue Ambulances (RAs). While initiating this broadcast, Officer Chessum held his radio in his left hand and maintained his pistol in a low-ready position with his right hand. Moments after the shooting occurred, a crowd of people began to assemble and advance toward the officers while screaming at them. Officer Chessum briefly raised his pistol with his right hand in the direction of the group and ordered them to "back up."²⁰

Officer Chessum described Duff lying motionless in a face down position on the ground. Duff's right arm was bent at a 90-degree angle and his left arm was extended slightly above his head. Officer Chessum observed Duff's black handgun on the sidewalk, approximately three feet from Duff's right hand. Officer Chessum was concerned that if Duff extended his right arm, the handgun would then be within a foot of his reach.

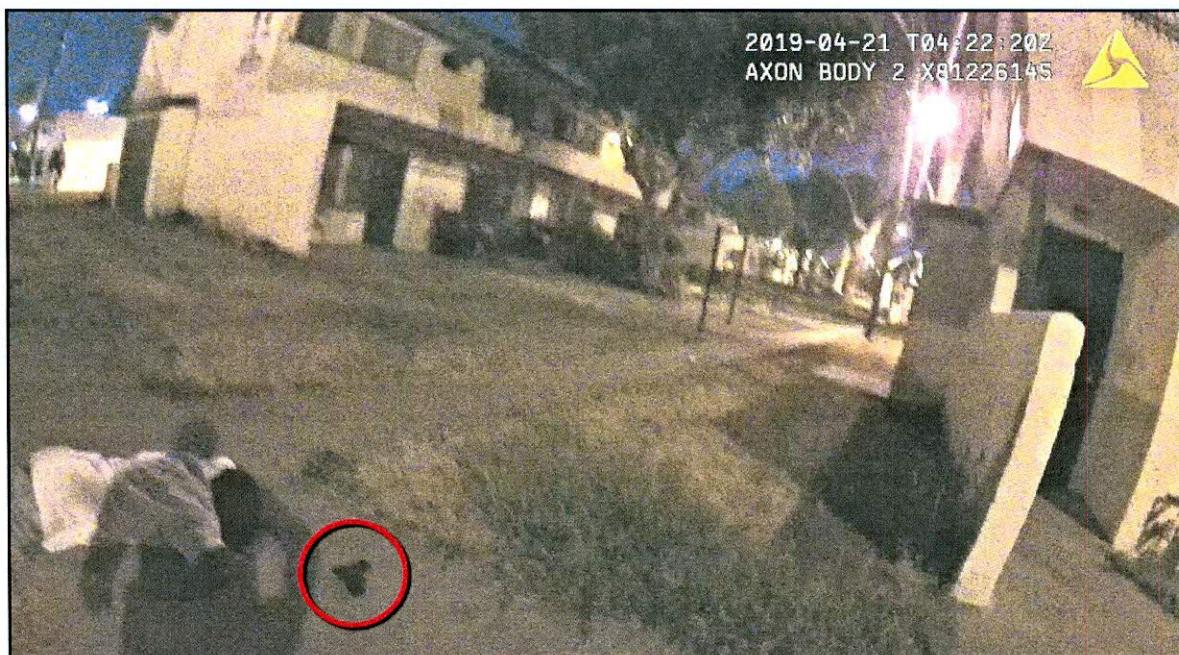


Image from Officer Trujillo's BWV depicting the location of Duff's handgun

Officer Chessum told Officer Trujillo to handcuff Duff to de-escalate the situation and prevent Duff from potentially moving. Officer Chessum indicated that when he gave this instruction, he was not fully aware of the seriousness of Officer Trujillo's condition. Officer Trujillo heard Officer Chessum's direction to handcuff Duff, but he was unable to do so, because he had been shot and felt himself quickly losing blood.

At 2122:25 hours, Officer Chessum advised CD that the driver had taken his sweater off and continued north through the Development.²¹ After again being advised by Officer

²⁰ This information was obtained from Officer Chessum's BWV.

²¹ A long sleeve T-shirt (Item No. 4) and a tan sweatshirt (Item No. 5) were recovered in the immediate area where Officer Chessum last observed the driver.

Trujillo that he had been shot, Officer Chessum initiated another broadcast requesting a unit respond to his location with a tourniquet.

Officer Chessum stated that when the crowd moved toward him in an aggressive manner, he was concerned they would attempt to overwhelm them with their numbers. With the intent to de-escalate the situation, Officer Chessum utilized the light mounted to his pistol to illuminate the crowd, while continuing to order them to "back up."²²

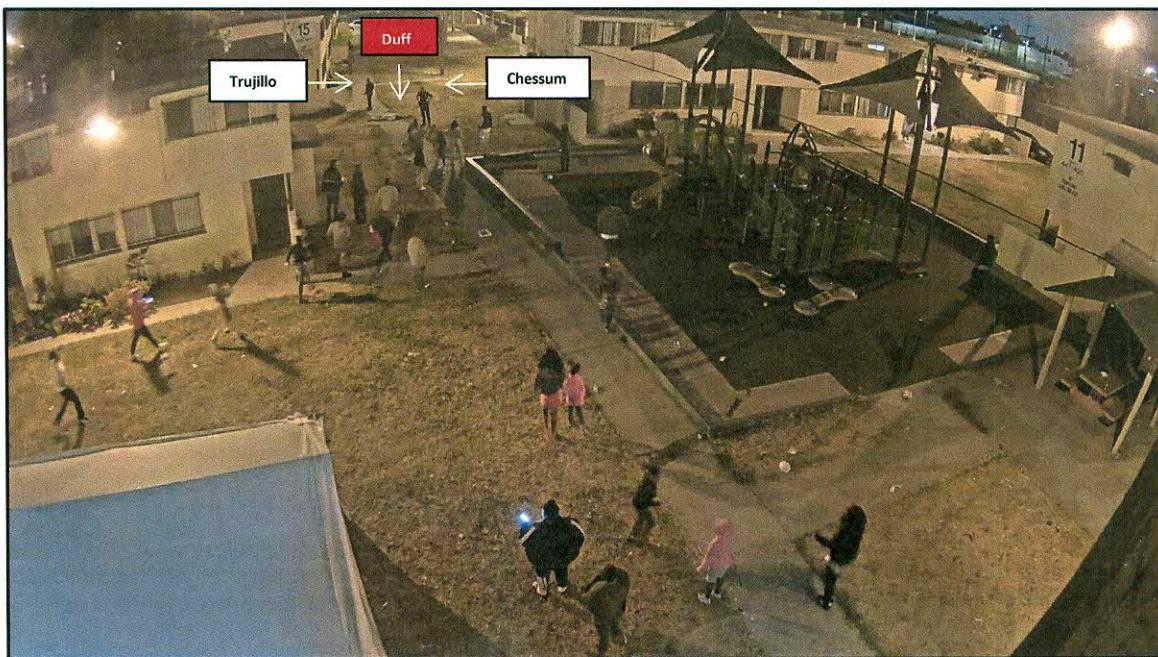


Image from the Development's security video moments after the OIS

Newton Area GED uniformed Police Officers II Mark Chiu, Serial No. 41009, and Steven Martinez, Serial No. 41024, Unit 13G33, responded due to the initial foot pursuit broadcast and arrived at approximately 2122:35 hours. They ran toward Officers Chessum and Trujillo as the crowd continued to build. Officer Trujillo staggered a few steps south toward a block wall on the northeast corner of Building 15 with the intention of bracing himself. Before reaching the wall however, he stopped because he briefly lost his vision. Officer Trujillo indicated he did not want to lay down at that point, because he was fighting to "stay conscious" and "alive".²³

²² Officer Chessum stated that during the incident, he unholstered his pistol approximately three to four times. He initially unholstered upon hearing the gunfire. He subsequently unholstered as the crowd advanced, noting that Duff's loaded handgun was on the ground and he believed the approaching crowd meant him harm. Officer Chessum also believed that members of the crowd were possibly armed with firearms or other types of weapons. Officer Chessum holstered his pistol as soon as it was practical and safe to do so. He explained that holstering made his pistol less accessible to someone attempting to remove it from his person and allowed his hands to be free for other force options.

²³ Trujillo, Page 12, Lines 6-7.

As Officer Martinez reached Officer Trujillo, he wobbled and collapsed backward onto the pavement without breaking his fall. Officer Martinez immediately knelt next to Officer Trujillo and yelled for his partner to apply a tourniquet.

Officer Chiu approached Officer Trujillo within seconds and observed a large pool of blood by his left leg. At 2123:35 hours, Officer Chiu utilized a HRD as an improvised tourniquet and applied it around Officer Trujillo's left leg to prevent him from "*bleeding out*." Officer Trujillo communicated with Officer Chiu as that occurred and directed him to position the device higher on his leg. Officer Chiu readjusted and tightened the hobble and Officer Martinez recorded the time it was applied.

As additional units arrived, Officer Chessum used his foot to move the handgun approximately three feet farther from Duff, into the grass area adjacent to the sidewalk. He did this to limit Duff's access to the handgun and to prevent anyone in the crowd from attempting to arm themselves with it or remove it from the scene. Officer Chessum then placed his right foot on top of the handgun to keep track of its location and conceal it from the crowd. Officer Chessum did not inspect Duff's handgun, but noted the slide appeared to be in the forward position with the magazine seated. At Officer Chessum's direction, Newton Patrol Division Police Officer II Matthew Spalenka, Serial No. 41232, conducted a pat-down search of Duff for additional weapons; however, none were located.²⁴

Over the next several minutes, several dozen officers from various divisions responded to this incident. Many of those officers participated in crowd control efforts, while others tended to the needs of Officer Trujillo. Among those officers who rendered aid/support to Officer Trujillo were, Newton Patrol Division uniformed Police Officers II Christopher Guerrero, Serial No. 41997, Diego Bracamontes, Serial No. 40514, and Police Officer I Nicholas Dominguez, Serial No. 43484.²⁵

According to Officer Chessum, once there were enough officers around Officer Trujillo, he directed them to carry his partner to the street [Long Beach Avenue] in order to provide the responding RA easier access to him. Officer Chiu stated he heard that instruction and believed it was necessary to do an "*officer rescue*" in order to prevent Officer Trujillo from "*bleeding out*" and dying at scene. In a coordinated effort, Officer Dominguez grabbed Officer Trujillo's legs, while Officer Chiu held him by the upper torso. At approximately 2125:12 hours, the officers carried Officer Trujillo west through the Development toward Long Beach Avenue.

At 2125:33 hours, Newton Area GED Sergeant II Gustavo Gutierrez, Serial No. 32651, arrived at scene and was informed that an officer rescue was being performed. As the

²⁴ This information was gleaned from Officers Chessum and Spalenka's BWV at approximately 2125 hours. Officer Spalenka was determined not to be a percipient witness in this investigation and was not interviewed.

²⁵ Officer Dominguez' partner, Police Officer II Mathew Bernal, Serial No. 40800, participated in crowd control and was not interviewed as part of this investigation.

officers carried Officer Trujillo out to Long Beach Avenue, Sergeant Gutierrez noted that he appeared unresponsive and looked pale and grey. Sergeant Gutierrez directed the officers to place Officer Trujillo inside a police vehicle and then initiated the following broadcast at 2126:13 hours, “*13 George 20 show me Code Six, I am the incident commander, be advised where is our RA, we are going to go ahead and transport the officer, he is shot, give me the location where the RA is?*” Communications Division replied, “*13 George 20 the RA is responding if it's, if it's better for you to transport, transport, we'll advise the RA.*” Sergeant Gutierrez then informed CD that they were going to transport Officer Trujillo to the hospital.

As the officers finished placing Officer Trujillo inside the back seat of Shop No. 80481, Officer Guerrero entered to provide him aid with his personally owned medical supply bag.²⁶ Officer Bracamontes entered the driver seat, and at approximately 2127 hours, began to transport Officer Trujillo to the Los Angeles County University of Southern California Medical Center (LAC+USC-MC). Sergeant Gutierrez responded with the officers in a separate vehicle and directed CD to advise the medical center of their response and estimated time of arrival.²⁷

While en route, Officer Guerrero removed Officer Trujillo’s equipment belt and ballistic vest, assessed his injuries and started an intravenous line (IV) in his left arm. At 2133:54 hours, they arrived at LAC+USC-MC and were met by hospital staff in the parking lot. After being removed from the police vehicle, Officer Trujillo was placed onto a gurney and immediately wheeled into the Emergency Room (ER), where he was prepped for surgery.²⁸

Note: According to Sergeant Gutierrez, he had a conversation with Officer Trujillo’s treating surgeon, Doctor Kenji Inaba, later that morning to discuss the extent of his injuries. During that conversation, Doctor Inaba informed him that their decision to transport Officer Trujillo saved his life. Doctor Inaba believed that had transportation been delayed, Officer Trujillo would have gone into cardiac arrest and died.

²⁶ At the time of the incident, Officer Guerrero had been a California State Licensed Paramedic for approximately eight years. His experience included the treatment of gunshot wounds and other serious injuries. He was equipped with a personally owned “Medic bag” containing medical supplies in the trunk of his police vehicle.

²⁷ Sergeant Gutierrez drove in a lead vehicle, while Newton Patrol Division uniformed Police Officer III Arturo Urrutia, Serial No. 36065, and Police Officer II Nicole Grant, Serial No. 42759, followed in their vehicle. All three units responded Code Three. Officers Urrutia and Grant were not interviewed for this investigation.

²⁸ Officer Trujillo’s ballistic vest, equipment belt, and BWV initially remained in the vehicle and were later collected by criminalists and FID personnel. Hollenbeck Patrol Division Sergeant I Miguel Lopez, Serial No. 25423, received Officer Trujillo’s uniform from medical staff and retained custody of it until it too was recovered by criminalist and FID personnel. Officer Trujillo’s backup weapon was removed from his person by Officer Guerrero in the ER and was secured by Officer Urrutia.

Newton Area GED Sergeant I Akash Udeshi, Serial No. 35775, arrived at scene at approximately 2126 hours and observed Sergeant Gutierrez leave with Officer Trujillo. Sergeant Udeshi assumed the role of Incident Commander and as he entered the Development, observed approximately 60 to 80 disruptive people near Building 15. He also observed officers attempting to separate the crowd from Duff, who was lying on the ground and appeared to be unconscious and not breathing. Sergeant Udeshi ordered officers to form a skirmish line to move the crowd back. He then briefly met with Officer Chessum, who advised that he was standing on Duff's handgun. Sergeant Udeshi directed Officer Chessum to pick up the weapon to prevent the crowd from accessing it. Officer Chessum retrieved the handgun and placed it in his right rear pants pocket.

At 2124:17 hours, Los Angeles Fire Department (LAFD) RA No. 21, staffed by Firefighter Paramedics (FFPM) Ryan Needham and Joseph Franklin and Engine 21, staffed by Captain Alex De La Torre, Engineer Pat Palacios, and Firefighters (FF) Mathew Westmoreland and Josh Friemoth, were dispatched to the scene. They arrived at approximately 2128:51 hours and were advised that Officer Trujillo had already been transported. They were also advised Duff was still at scene and required medical attention. Officers escorted LAFD personnel into the Development and arrived at Duff's location at approximately 2130:20 hours. After quickly assessing Duff's condition, they determining he was alive and had sustained a gunshot wound to his chest. Due to safety concerns over the hostile crowd, Duff was immediately placed on a gurney, carried out of the Development and further assessed in the safety of the RA.

At 2131:22 hours, the LAFD began transporting Duff to LAC+USC-MC. Firefighter Paramedics Needham and Franklin and FF Friemoth rode in the back of the RA, while FF Westmoreland drove.²⁹ Newton GED uniformed Police Officer II Moises Covarrubias, Serial No. 42028, assisted by riding in the back of the RA, while his partner Police Officer III Luis Anchondo, Serial No. 40664, followed behind in their police vehicle.

Officer Covarrubias stated that when he first observed Duff in the RA, he was not handcuffed and appeared unconscious. During the transport however, Duff began speaking and told Officer Covarrubias his name and gang affiliation but did not talk about the incident. Duff displayed gang signs and stated he was a Pueblo Bishops Blood gang member with the moniker of "Baby CKO." As FFPM Franklin attempted to administer an IV, Duff became aggressive and attempted to pull his arms away and sit up. Officer Covarrubias briefly grabbed Duff's left wrist with both hands and held his arm down until LAFD personnel gained control of Duff's arms.

Officer Covarrubias handcuffed Duff's left wrist to the left side of the gurney and his right wrist to the top of the gurney above his head. LAFD personnel then utilized soft restraints to secure Duff's ankles to the foot of the gurney and placed a spit mask over

²⁹ Duff did not make any statements while at scene. Given that Captain De La Torre and Engineer Palacios were not involved in providing Duff care in the RA, they were determined not to be percipient witnesses and were not formally interviewed.

his head. Duff arrived at LAC+USC-MC at 2144:43 hours and underwent emergency surgery for a gunshot wound to his chest.

Due to the size of the crowd that had formed, it took several minutes for the officers in the Development to establish a crime scene. Sergeant Udeshi believed it was approximately 15 minutes after he arrived that he obtained a Public Safety Statement (PSS) from Officer Chessim. He then separated and monitored Officer Chessim and advised him not to discuss the incident.

Sergeant Udeshi then directed Officer Chessim to place Duff's pistol in the trunk of his (Udeshi's) police vehicle (Shop No. 87982), which was parked on Long Beach Avenue, north of East 52nd Street. Duff's pistol remained at that location until it was recovered later that morning by Department criminalists.

At 2248 hours, Newton Area Detective Commanding Officer Lieutenant II Raul Jovel, Serial No 33400, notified the Department Operations Center of the OIS.

Force Investigation Division Detective II Timo Illig, Serial No. 36893, reviewed all document and circumstances surrounding the separation, monitoring, and the admonition not to discuss the incident prior to being interviewed by FID investigators (Issues and Concerns No. 2) (Addendum No. 1).

Scene Description

The Pueblo Del Rio Public Housing Development consisted of two-story apartment buildings, with grass and cement walkways between the buildings. The OIS occurred outside, during the hours of darkness in the area south of Building 12 and north of Buildings 15 and 17. The weather conditions were clear and dry. Ambient lighting was provided by overhead light standards in the greenspaces and lighting sconces mounted on the sides of the buildings.

Canvass for Witnesses

On May 1, 2019, FID investigators along with personnel from the Office of the Inspector General canvassed the buildings north of East 52nd Street, south of East 51st Street, west of Holmes Avenue and east of Long Beach Avenue. No civilian eyewitnesses to the OIS were located. Duff's wife, Nicole Williams, was interviewed in the morning following the incident. Her recorded interview was transcribed and is contained in this report. During the canvas, four heard only witnesses were identified. Copies of their Heard Only statement forms were retained in the FID casebook.³⁰

³⁰ A review of BWV determined that during the crowd control portion of this incident, Officers Chiu and Newton Patrol Division Police Officer II Jason Merz, Serial No. 42441, pushed Williams (at separate times) away from an established skirmish line. Additionally, Officer Covarrubias and 77th Patrol Division Police Officer II Justin Garza, Serial No. 41805, also pushed unknown females away from a skirmish line. Detective Illig contacted the Commanding Officer of Newton Area, Captain III Alex Baez, Serial No. 26623, and advised him of this issue. Captain Baez indicated he would address the matter on Incident Command System Form 214 [as prescribed in Special Order No. 3, 2019].

Suspect Information

Curley Lee Duff, is a male Black with black hair and brown eyes and has a date of birth of June 27, 1979. At the time of the incident, he was 5 feet, 7 inches tall and weighed 170 pounds. Duff's Criminal Information Index No. A10728194, indicated he was convicted of Robbery in 1997, Possession of a Firearm in 2007 and 2008, and Possession of a Controlled Substance for Sale in 2015. Duff was a member of the Pueblo Bishops Blood criminal street gang and had the monikers "Baby CKO" and "Crip Killer." He had no prior Mental Evaluation Unit (MEU) contacts (Addendum No. 2). Robbery Homicide Division (RHD) Detective II Mitzi Roberts, Serial No. 31595, completed an Investigative Report (IR) for Attempt Murder of a Police Officer, listing Duff as the suspect and Officer Trujillo as the victim (DR No. 1913-10222) (Addendum No. 3).

On April 24, 2019, Los Angeles County Deputy District Attorney Michael Blake, assigned to the Crimes Against Peace Officers Section, filed one count of Attempted Murder of a Police Officer and one count of Possession of a Firearm by a Prohibited Person. A warrant was issued for Duff's arrest and he was absentee booked later that same day. On May 29, 2019, Duff was arraigned, and a preliminary hearing date is pending.

On May 29, 2019, FID Detective III Anthony Rheault, Serial No. 33961, Detective Illig and RHD Detective III Tim Marcia, Serial No. 25183, interviewed Duff at the Los Angeles County Sheriff's Medical Jail Ward.

Duff was provided a Miranda admonition and in summary stated he had ingested cocaine and smoked a "sherm" prior to arriving at the Development with his wife Nicole Williams.³¹ Duff claimed that people in the Pueblo Bishops Blood gang had falsely accused him of being a "snitch." Because of that accusation, Duff feared for his and his wife's safety. Duff indicated that on the night of the incident, he was standing at an outdoor picnic table near the playground with three or four other individuals. A male in his 50's with the moniker of "Buggel" told Duff to get something from his burgundy Chevrolet Corvette that was parked on East 51st Street across from the Holmes Street Elementary School. Duff agreed and walked over to the vehicle and reached in through the top [open roof] and retrieved a square leather type bag from the center console. Duff returned the item to Buggel, who then opened it and pulled out a handgun. Buggel gave the handgun to Duff and told him to hold it for him. Duff stated he then placed the handgun in his front right pocket.³²

³¹ The term "sherm" is street vernacular for a cigarette dipped in Phencyclidine (PCP).

³² During his interview, Duff mentioned that individuals with the monikers Buggel, K-Five, and P-Thing (Prentice) were present with him in the Development. Those individuals have yet to be identified and were not interviewed for this investigation.

Duff stated that while standing at the picnic table, he heard Buggel say, “*The cops. The police. Oh, there they go. We got action.*”³³ Duff observed officers chasing an unknown person on foot and ran toward them with the intention of dying. When questioned by investigators as to how he intended that to occur, Duff stated, “*The cops was going to kill me.*”³⁴ Duff removed the handgun from his right pocket, but he said he did not know if his gun went off and did not remember being shot.

Robbery Homicide Detectives Marcia and Roberts were assigned the responsibility for investigating the criminal case against Duff. Their casebook is stored at RHD.

Jermaine Edwards matched the physical description of the driver who initially fled from Officers Chessum and Trujillo. Edwards identified himself to Detectives Marcia and Roberts as the owner of the BMW; however, he denied driving it at the time of the incident. Edwards claimed that at approximately 2000 hours, he parked his vehicle on East 51st Street. He admitted that the two clothing items recovered in the Development (green T-shirt and tan sweatshirt) (Item Nos. 4 and 5) belonged to him and were in his vehicle when he left it parked.

Detective Marcia completed an IR for Resisting Arrest, listing Officer Trujillo as the victim (DR No. 1913-11019). Edwards was not a named suspect on the IR (Addendum No. 4).

Although Edwards admitted to knowing Duff, there has been no evidence uncovered as of yet to suggest they preplanned this event.

Injuries

Officer Trujillo

At 2127 hours, Officer Trujillo was transported to LAC+USC-MC in a police vehicle driven by Officer Bracamontes. Officer Guerrero rode in the back of the vehicle with Officer Trujillo. While en route, Officer Guerrero removed Officer Trujillo’s ballistic vest and equipment belt, assessed his injuries and started an IV.

At 2133:54 hours, Officer Trujillo arrived at LAC+USC-MC. Doctor Morgan Anne Schellenberg and additional medical staff assumed responsibility for his care. A trauma team was activated, and Officer Trujillo was taken into surgery. Officer Trujillo’s medical records indicate he received gunshot wounds to his left chest/shoulder area, left upper back, left groin and left buttock from an unspecified number of projectiles.

As a result of these gunshot wounds, Officer Trujillo’s sustained two fractured left ribs, a fractured left pelvis, and a traumatic injury to his left lung. On April 25, 2019, Officer Trujillo was released from the hospital. As of December 10, 2019, he had not yet

³³ Duff, Page 62, Lines 4-5.

³⁴ *Id.*, Page 88, Line 14.

returned to duty. Officer Trujillo's medical records are on file in the FID casebook and are available upon request.

At 2205 hours, medical personnel recovered a single bullet from Officer Trujillo's hospital bed prior to surgery. This item was given to Sergeant Gutierrez at the hospital and was subsequently booked as evidence. No additional projectiles were identified or removed from Officer Trujillo's body.

Duff

At 2131:22 hours, RA21 transported Duff to LAC+USC-MC. Upon his arrival at 2144:43 hours, he was treated by medical staff, who determined he sustained a single gunshot wound to his right chest. As a result of that impact, Duff also sustained a right hemothorax and damage to his diaphragm, liver and a fractured right rib. A bullet was removed from his body during surgery and subsequently booked as evidence. A toxicology screen of Duff's blood indicated the presence of Cocaine, PCP and Benzodiazepines.

On May 23, 2019, Duff was transported to the LAC+USC Medical Jail Ward. On June 19, 2019, Duff was discharged and transferred to the Los Angeles County Men's Central Jail (Addendum No. 5).

Evidence

Forensic Science Division (FSD) Firearms Analysis Unit (FAU) Criminalists II Jacob Seror, Serial No. N4571, Annette Woiwode, Serial No. N4427, and Supervising Criminalist Rafael Garcia, Serial No. G9120, responded and processed the crime scene. Numerous items of evidence were recovered. Included in those items was a black polymer .45 caliber, Taurus Model PT145 Millennium pistol (Item No. 80), 10 expended .45 caliber cartridge cases (Item Nos. 12-21), and one bullet (Item No. 22). There was a total of 104 items of evidence booked in conjunction with this investigation (Addendum No. 6) (Addendum No. 7).

Clothing Analysis

Clothing items worn by Officer Trujillo and Duff at the time of OIS were collected and booked by FSD FAU criminalists. On December 11, 2019, Criminalist II Trisha Ariyasu, Serial No. N4729, finalized a Firearms - Distance Determination Report documenting the examination of Officer Trujillo's clothing for possible bullet defects. Officer Trujillo's uniform shirt displayed two defects located above the left front pocket, and one defect to the back middle of the shirt below the waist line. The front of Officer Trujillo's uniform pants displayed two defects, one to the left front pant pocket and one to the right groin area. The rear of Officer Trujillo's pants displayed two defects, one to the middle of the buttocks, and one to the left rear pocket (Addendum No. 8).

On December 11, 2019, Criminalist Ariyasu finalized a Firearms - Distance Determination Report documenting the examination of Duff's clothing for possible bullet

defects. Duff's T-shirt displayed one defect to the front right chest area (Addendum No. 9).

WEAPONS



Duff was armed with a black polymer, .45 caliber, Taurus Model PT145 Millennium Pro, semiautomatic pistol. The pistol had a barrel length of 3.25 inches. After the OIS, at the direction of Sergeant Udeshi, Officer Chessum recovered Duff's handgun from the ground and placed it in his right rear pants pocket. Later in the incident, Officer Chessum placed the pistol in the trunk of Sergeant Udeshi's police vehicle, Shop No. 87982, which was parked on Long Beach Avenue, north of East 52nd Street.

On June 14, 2019, Criminalist Seror finalized a Render Firearm Safe Report documenting the collection of Duff's pistol from the trunk of Sergeant Udeshi's vehicle. Criminalist Seror determined the pistol's safety was off and there was one live cartridge in the chamber and six live cartridges in the magazine. The pistol has the capacity to hold 10 cartridges in the magazine and one cartridge in the chamber (Addendum No. 10).

The firearm was not registered in the State of California or reported stolen. The Department of Justice Bureau of Alcohol Tobacco and Firearms and Explosives Trace Center conducted a trace on the above pistol. The summary of the results determined the weapon was last purchased on January 28, 2016, in Tucson, Arizona by Julio Cesar Navarro. Robbery Homicide Division was assigned the follow up investigation on the pistol and to explore any possible association between Navarro and Duff. As of yet, no connection has been made (Addendum No. 11).

On July 10, 2019, FSD, FAU Firearms Examiner Srinivasan Rathinam, Serial No. N3851, completed a Bullet/Cartridge Case Comparison Report documenting the examination and test firing of Duff's pistol. The pistol was found to be functional. The test fired cartridge cases and bullets were booked as Item Nos. 103 and 104. Images of the test fired cartridges were entered into the National Integrated Ballistic Information Network (Addendum No. 12).

Officer Trujillo was armed with his Department-authorized black, .45 caliber, Glock Model 21SF, semiautomatic pistol. The pistol was carried in a Department-approved holster. According to Officer Trujillo, at the time of the OIS, the pistol was loaded to capacity with 14 rounds of Department authorized, .45 caliber, Federal Premium ammunition. Thirteen rounds were in the magazine and one round was in the firing chamber.

Officer Trujillo was transported to LAC+USC-MC in Shop No. 80481. While en route, Officer Guerrero assessed Officer Trujillo for injuries and removed his equipment belt containing his holstered pistol. The pistol remained holstered and secured inside the vehicle. On April 20, 2019, FID Detective II Jerry Sally, Serial No. 36130, recovered the pistol from the vehicle and conducted a post-incident examination with the assistance of Criminalist Seror. Detective Sally determined the pistol was loaded with seven rounds of Department-approved, .45 caliber, Federal ammunition. One round was in the chamber and six rounds were in the magazine. Officer Trujillo's equipment belt held two additional magazines, each loaded to capacity with 13 rounds of Department-approved ammunition.³⁵

Note: There were six discharged cartridge cases recovered at scene that were attributed to Officer Trujillo's pistol. The potential seventh casing was not located. The investigation was unable to determine if Officer Trujillo fired six or seven rounds.

On June 25, 2019, FSD, FAU Criminalist III Steven Tsurumoto, Serial No. N4574, completed a report documenting the test firing of Officer Trujillo's pistol. The pistol's trigger pull value was within the Department's accepted range for this model of firearm. The test fired cartridge cases and bullets were booked as (Item Nos. 98-101) (Addendum No. 13).

Officer Trujillo's backup revolver was not used during this incident. On May 28, 2019, FSD, Criminalist II Sabine Eichmann, Serial No. N4321, finalized a Biohazard Removal Report documenting the removal of biohazard [blood] from Officer Trujillo's revolver and the live cartridges within it prior to it being returned to him (Addendum No. 14). On April 23, 2019, Detective Rheault verified that Officer Trujillo's pistol was entered into the Firearm Inventory Tracking System (FITS) on February 16, 2016.

Firearms Analysis

Criminalists Woiwode and Seror recovered a total of 10 expended .45 caliber cartridge cases, and one expended bullet (Item No. 22), from the scene of the OIS. On April 20, 2019, at 2205 hours, Sergeant Gutierrez took custody of the bullet medical staff recovered from Officer Trujillo's hospital bed. On April 21, 2019, at 0320 hours, Sergeant Gutierrez provided the bullet to Detective Sally, who then gave it to Criminalist Seror at scene. Criminalist Woiwode booked the expended bullet as Item No. 23. On April 22, 2019, Detective Sally met with personnel from the LAC+USC-MC Pathology Department and received an expended bullet that was removed from Duff by medical staff during surgery. Detective Sally booked the expended bullet as Item No. 2.

On July 9, 2019, FSD, FAU Criminalist II Daniel Rubin, Serial No. G9077, finalized a Bullet/Cartridge Case Comparison Report. Criminalist Rubin concluded that six of the

³⁵ At LAC+USC-MC, Detective Sally directed Transit Services Division (TSD) Police Officers II Eliseo Brito, Serial No. 33450, and Hector Tejada, Serial No. 38071, to guard the locked vehicle, Shop No. 80481, until a post-incident inspection of the pistol was conducted.

10 expended cartridge cases, Item Nos. 12-17, were fired from Officer Trujillo's pistol. Additionally, the bullet removed from Duff by LAC+USC-MC medical staff exhibited general rifling characteristics consistent with Officer Trujillo's pistol (Addendum No. 15). On July 10, 2019, Examiner Rathinam completed a Bullet/Cartridge Case Comparison Report and concluded that four of the expended cartridge cases recovered at scene (Item Nos. 18-21), were fired from Duff's pistol. Examiner Rathinam additionally concluded that the bullet recovered from the grass at the scene (Item No. 22), and the bullet obtained from Officer Trujillo's hospital bed (Item No. 23), were fired from Duff's Pistol (Addendum No. 12).

On June 12, 2019, Criminalist Woiwode finalized a report documenting the DNA swabbing of Duff's pistol, pistol magazine and the seven live cartridges that were located within the firearm (Item Nos. 8-11). The swabs were booked as Item Nos. 70-73 under DR No. 1913-10222 (Addendum No. 16).

On October 10, 2019, FSD Criminalist II Samuel Hong, Serial No. N4628, finalized a report documenting the results of the DNA analysis. Criminalist Hong concluded that due to the complexity of the data, the DNA results from the pistol and magazine were not suitable for interpretation. The swab from the cartridges did not have enough DNA to proceed with analysis (Addendum No. 17).

On June 14, 2019, Technical Investigation Division (TID) Forensic Print Specialist III Edgar Berrios, Serial No. N1917, completed a report documenting the analysis of Duff's pistol, pistol magazine, and the seven live cartridges that were located within the firearm for latent prints; however, none were developed (Addendum No. 18).

On October 7, 2019, Criminalist Woiwode finalized a Bullet Path Analysis Report. She identified a single impact to the east storage closet of Building 15. The pathway of this impact was consistent with a bullet traveling from north to south, east to west and in a downward direction (Addendum No. 19).

Vehicle

On April 26, 2019, the silver BMW, California License Plate No. 6YLJ694, was processed by Criminalist Kori Hawk, Serial No. N4638, and documented by TID Photographer III Norm Thomas, Serial No. G9504. Also present was RHD Detective Marcia, who directed the search in furtherance of the criminal investigation regarding the unknown driver of the vehicle. During the search, various items of evidence were recovered including clothing items and swabs for potential biological evidence (Addendum No. 20).

Visual Documentation

Digital In-Car Video System

The vehicle Officers Trujillo and Chessen drove, Shop No. 87040, captured them following the silver BMW and the start of the foot pursuit. Additional police vehicles

equipped with DICVS responded to the “Officer Needs Help Call.” None of these videos captured the OIS. A copy of Officers Trujillo and Chesselum’s DICVS was retained in the FID casebook and is available upon request.

Body Worn Video

Officer Trujillo’s BWV captured the foot pursuit and the OIS.

Officer Chesselum’s BWV captured the foot pursuit and the events immediately after the OIS.

Officers Chiu and Martinez’ BWVs captured their arrival as the first backup unit, their contact with Officer Trujillo and application of the HRD around Officer Trujillo’s leg.

Officer Guerrero’s BWV captured the care he provided to Officer Trujillo while being transported to the hospital.

Officer Covarrubias’ BWV captured the transportation of Duff to the hospital in the RA.

Sergeant Gutierrez’ BWV captured him initially declaring himself Incident Commander and the decision to transport Officer Trujillo in a police vehicle.

Sergeant Udeshi’s BWV captured his actions as the Incident Commander, including the establishment of skirmish lines, securing of the scene and his contact with Officer Chesselum.

Approximately 401 additional BWV’s were identified as being related to this incident. The videos captured activities related to the securing of the crime scene, crowd control efforts, and the establishment of a perimeter. The additional BWV’s did not capture the foot pursuit or the OIS.

Social Media

Personnel assigned to FID’s Cyber Unit monitored social media sites from the date of the incident until the submission of this investigation. No additional evidence, information or witnesses were identified.

Other Department Video

No other Department video was located.

Outside Video

On April 21, 2019, at 1005 hours, TID Police Service Specialist I, Vladimir Madalyan, Serial No. N5633, obtained a copy of the video from the Pueblo Del Rio Housing Development, which was subsequently stored under Control No. 738896.

This video, which was recorded without sound, depicts the silver BMW being followed by the officers in their police vehicle, the foot pursuit of the driver, and Duff moving into a position to confront Officer Trujillo. The video depicts Duff firing the first round and

Officer Trujillo and Duff exchanging gunfire. The formation of a crowd and the actions of responding officers can also be seen.

Photographs

On April 21, 2019, TID Photographer III Garry Brod, Serial No. N1328, photographed the scene and Officer Trujillo's magazine count. The photographs are stored under Control No. 0769211.

On April 21, 2019, TID Photographer III Debra Davidian, Serial No. N6115, photographed Duff at the hospital. The photographs are stored under Control No. 0769221.

On April 23, 2019, Photographer Thomas photographed Duff and Officer Trujillo's clothing. The photographs are stored under Control No. 0769239.

On April 26, 2019, Photographer Thomas photographed the silver BMW. The photographs are stored under Control No. 0769248.

[...]

Issues and Concerns

1. While being transported to the hospital, Duff began to pull away and struggle with LAFD personnel. Officer Covarrubias utilized profanity while ordering Duff to stop his actions. When interviewed by FID investigators, Officer Covarrubias explained he used profanity to gain Duff's attention and de-escalate the situation so that he would not have to use force. On Page 13, Lines 9 through 15 of his transcribed statement, Officer Covarrubias stated, "*So as I'm telling him to do stuff, he's not listening, so I've also learned that through my training and experience that if you -- if you yell and -- and match their level of what they're – what they're doing, sometimes they -- they will listen to you if you level that out. So I -- I attempted that, and it worked.*"

On May 29, 2019, FID Commander Robert Marino, Serial No. 27226, notified Central Bureau Deputy Chief Jorge Rodriguez, Serial No. 25668, regarding this issue.

2. Upon review of the Newton Patrol Division Watch Commander's Daily Report for this incident, the following minor deviations regarding notifications and documentation were identified:
 - In the Watch Commander's Daily Report, the Categorical UOF Box was not checked. Additionally, the names of all the supervisors who monitored Officer Chessim along with the corresponding times were not fully documented.

- It was also identified that the Area Watch Commander/Incident Commander did not notify the Department Operations Center (DOC) of the OIS within the prescribed 30-minute time frame. The OIS occurred at 2121 hours. The official notification from Newton Area was not made until 2248 hours.

It should be noted however, that due to the extraordinary nature of this event, the DOC, Department Command Staff, and investigating personnel, became aware of this incident almost immediately after it occurred and the delayed formal notification to the DOC had no discernable impact on this incident.

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CHIEF OF POLICE REPORT³⁶

Chief of Police Findings

Tactics –Tactical Debrief, Officers Chessim, Trujillo, and Covarrubias.

Drawing/Exhibiting – In Policy, No Further Action, Chessim and Trujillo.

Non-Lethal Use of Force – In Policy, No Further Action, Officer Covarrubias.

Lethal Use of Force – In Policy, No Further Action, Officer Trujillo.

Chief of Police Analysis

Detention

Officers Chessim and Trujillo were in dressed in full uniform driving a hybrid black and white police vehicle and conducting crime suppression in the area of East 52nd Street and Holmes Avenue. They observed a vehicle commit traffic violations of CVC 22350 (Unsafe Speed) and CVC 22450 (Failure to Stop for Posted Sign). The officers attempted to conduct a license plate query prior to conducting their traffic stop for the aforementioned traffic violations. The vehicle stopped prior to the officers receiving a response to their license plate query and the driver exited the vehicle. As Officers Chessim and Trujillo exited their police vehicle, Officer Chessim observed the driver with a bulge and something dark in this waistband and Officer Trujillo observed the driver with his right hand near his waistband. Both officers believed the driver was concealing a handgun. The driver fled south as the officers followed and broadcast they were in foot pursuit of a man with a gun. The officers continued to follow the driver west and then north through the Pueblo Del Rio Public Housing Development. Another individual later identified as Duff, monitored the movement of the officers as they began their foot pursuit of the driver, moved into position resulting in an ambush situation. Duff produced a pistol as Officer Chessim ran past him, then pointed the pistol at Officer Trujillo and began firing. An OIS then occurred. The officers' actions were appropriate and within Department standards.

Tactical De-Escalation

- *Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*

³⁶ The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*

(*Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques*)

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

In this case, Officers Chessum and Trujillo were conducting crime suppression and observed a vehicle commit two traffic violations. As they attempted to conduct a license plate query prior to conducting a traffic stop, the driver stopped the vehicle and fled. The officers observed the driver flee while possibly concealing a handgun in his waistband. Officer Chessum broadcast they were in foot pursuit of the driver and were updating their location periodically. As the officers continued to pursue the driver, another individual, Duff, who had observed the officers, produced a pistol and fired at Officer Trujillo at close range. Officer Trujillo reacted to the threat presented with immediacy by Duff and subsequently returned fire, resulting in an OIS.

Planning – Officers Chessum and Trujillo had previously worked together five times prior to this incident. Though Officer Trujillo had only been assigned to Newton GED for six days, both Officers Chessum and Trujillo had discussed tactics prior to the day of the incident and also on the day of the incident. Their discussions included the topic of foot pursuits, specifically, the importance of broadcasting their location, not separating, and knowing when to disengage a foot pursuit. Additionally, Officers Chessum and Trujillo discussed the concept of apprehension verses containment with regards to pursuing an armed suspect. Their goal was to contain an armed suspect, request additional resources, and establish a perimeter instead of attempting to apprehend the suspect on their own. In the short time the officers worked together, Officers Chessum and Trujillo covered the different aspects of foot pursuits and had established a general plan to implement were they to be involved in a foot pursuit with an armed suspect. During the foot pursuit of the driver, Officers Chessum and Trujillo remained with their plan, following the driver in a manner which was consistent with containment mode.

Assessment – Officers Chessum and Trujillo first assessed the incident and observed the silver BMW driving at approximately 45 miles per hour west on East 52nd Street in violation of CVC 22350 (Unsafe Speed). As the officers attempted to close the distance and conduct a license plate query prior to conducting a traffic stop, they observed the vehicle fail to stop at a posted stop sign in violation of CVC 22450 (Failure to Stop for Posted Sign). While waiting for their license plate inquiry to return, the driver suddenly stopped his vehicle, at which time the officers activated their forward-facing red light and observed the driver exit with what appeared to be a handgun in his waistband.

Officer Chessum immediately broadcast they were in foot pursuit of a, "man with a gun", as well as their location. During the foot pursuit, the officers continuously assessed the movements and direction of travel of the driver, including broadcasting the information via hand-held radio. The officers maintained their distance from the driver, did not have their weapons out as they followed him, and kept visual of the driver as they pursued him in containment mode.

As officer continued north behind the driver, Duff produced a handgun and fired at Officer Trujillo, rapidly escalating the encounter. Officer Trujillo immediately reacted to the deadly threat and was involved in an OIS. Once Duff was no longer a threat, Officer Trujillo ceased firing his service pistol. Officer Chessum responded to the OIS and took over control of the incident. Officer Chessum assessed the incident, determined that Duff needed to be taken into custody, and also assessed that a crowd began to form. Responding officers assessed the incident and determined Officer Trujillo was severely injured. Officers Chiu, Martinez, and Guerrero, provided emergency medical aid to Officer Trujillo Sergeant Gutierrez directed Officer Trujillo to be transported to a medical center. Sergeant Udeshi continued to assess the incident and organized officers to maintain crowd management at the location.

Time – Officers Chessum and Trujillo were faced with a dynamic incident where the driver ran from them. As the officers engaged in foot pursuit, the driver fled between multiple buildings where the lighting was poor. The officers believed the driver was possibly armed with a handgun and kept distance between the driver and themselves, while requesting additional resources for a perimeter. As Officers Chessum and Trujillo continued to maintain visual contact and monitor the actions of the driver, Duff produced a handgun, and began to fire at Officer Trujillo. Duff escalated the incident suddenly and without warning. Duff's actions did not afford the officers any additional time to respond to his deadly actions, which reduced their ability to respond, and significantly limited their tactical options.

Redeployment and/or Containment – As the officers were waiting for their license plate query prior to conducting a traffic stop, the driver suddenly stopped his vehicle and ran from the location holding his waistband. Due to officers observing the driver possibly armed with a handgun and the sudden escalation of the driver's actions in fleeing, the officers had a limited opportunity to utilize other options and initiated a foot pursuit after the driver. Officer Chessum utilized his hand-held radio to broadcast the foot pursuit and location where responding units could establish containment of the driver. As the officers continued in foot pursuit of the driver, maintaining their distance while keeping a visual of the driver, they were suddenly confronted by Duff causing them to immediately react to the unexpected and unforeseen threat. Duff's actions did not allow for containment to be established or for the officers to continue in foot pursuit of the initial driver.

Other Resources – Due to the sudden escalation of the incident by the driver as he ran from the officers, the first broadcast from the officers for additional resources was Officer Chessum's broadcast that they were in foot pursuit of a man with a gun.

Once the OIS occurred and both Officer Trujillo and Duff were struck by gunfire, Officer Chessum requested two RAs as well as a tourniquet for Officer Trujillo. Additionally, Officer Chessum requested additional units for a perimeter for the outstanding driver, as well as a large crowd that had formed in the area of the OIS. The additional officers who responded to the location worked in cooperation, and under the leadership of Sergeant Udeshi, to assist with an officer rescue of Officer Trujillo, as well as forming skirmish lines to maintain control of the crime scene.

Lines of Communication – Officers Chessum and Trujillo initially opened lines of communication between each other when they communicated their observations of the silver BMW speeding east on East 52nd St, as well as their intention to stop the vehicle for the aforementioned violation. Officer Chessum broadcast they were in foot pursuit of a man with a gun after the driver ran from the vehicle. After the OIS, Officer Trujillo advised Officer Chessum that he had been involved in a shooting and had been struck in the leg. Officer Chessum broadcast “shots fired” and requested RAs for both Officer Trujillo and Duff. Additionally, Officer Chessum directed the advancing crowd to stay back while directing Officer Trujillo to handcuff Duff, not knowing the severity of Officer Trujillo’s injuries.

The UOFRB determined, and the Chief concurred, that Officers Chessum and Trujillo attempted to contain the driver and de-escalate the incident; however, the aggressive and lethal actions of Duff without contact or provocation firing his pistol while ambushing the officers provided the officers extremely limited time and rapidly forced them to react to the immediate lethal threat presented to them.

The UOFRB also determined, and the Chief concurred, that Sergeants Gutierrez and Udeshi, along with Officers Chiu, Martinez, and Guerrero also utilized aspects of de-escalation and PATROL to resolve this incident.

Tactics

- During a review of the incident, the following Debriefing topics were noted:

Debriefing Point No. 1 Updating Status

- *When a unit is conducting a field investigation and no assistance is anticipated, a "Code Six," followed by the location, shall be broadcast. A unit shall not go "Code Six" until it arrives at the scene of a call.*

Units on "Code Six" status shall remain available for reassignment to priority calls by monitoring their radio frequencies. A unit on "Code Six" status may indicate to the dispatcher additional circumstances, which will make the unit unavailable for assignment to a priority call.

These circumstances may include.

- *Suspect in custody;*

- Primary unit at a crime scene; and/or,
- Required at a back-up, assistance, or help location.

Note: The unit shall notify the dispatcher as soon as it is again available for radio calls (Los Angeles Police Department Manual, Volume 4, Section 120.40).

Officers Chessum and Trujillo did not update their status or generate a new Code Six location when they completed their unrelated traffic stop and began following the silver BMW after seeing the traffic violation.

In this case, Officers Chessum and Trujillo had to catch up with the silver BMW in order to conduct a license plate query. As they were awaiting the results of that query, the driver suddenly stopped his vehicle and fled. The officers, reacting to the driver's actions, activated their forward-facing red light and observed that the driver may have been armed with what they believed to be a gun in his waistband. Officers Chessum and Trujillo went in foot pursuit of the driver. Officer Chessum broadcast they were in foot pursuit of a man with a gun at Duarte Street and East 50th Street approximately nine seconds after the driver suddenly stopped his vehicle.

The UOFRB determined, and the Chief concurred, that in this circumstance, the officers' actions were not a substantial deviation from approved Department tactical training. Officer Chessum's broadcast of a foot pursuit included the officers' location and the nature of their activities. The broadcast was not unreasonably delayed and was appropriate for the rapidly escalating tactical situation. However, in an effort to enhance future tactical performance, the Chief will direct this topic be discussed during the Tactical Debrief.

Additional Tactical Debrief Topics

- **Clearing Vehicles** – The FID investigation revealed that Officers Chessum and Trujillo ran past the silver BMW while in foot pursuit of the driver. The officers conducted a visual clearance of the vehicle. Officer Trujillo stated he observed the “dome lights” was illuminated and was able to definitively determine there were no additional occupants in the vehicle. Officer Chessum stated he believed that there were no other occupants in the vehicle, but was not positive there was no one inside the vehicle. In response to the sudden and rapid nature in which the driver stopped his vehicle and fled, the officers conducted a rapid clearance of the vehicle in order to maintain visual contact of the driver. However, officers are reminded of the importance of systematically and thoroughly clearing a vehicle, as well as the possible dangers of additional suspects concealing themselves within vehicles. The Chief will direct this be a topic of discussion during the Tactical Debrief.
- **Situational Awareness** – The FID investigation revealed Officer Chessum broadcast that he and Officer Trujillo were in foot pursuit of a man with a gun at “50th and Duarte.” The officers' actual location was East 51st Street, west of Holmes Avenue. During the foot pursuit, Officer Chessum continued to update the officers'

location and stated the driver is running “westbound through the cut” and then followed up with an additional broadcast that the driver is “northbound, now westbound, he’s in the alleyway, he’s running westbound towards Long Beach from 51.” While it is understandable that due to the dynamic and rapid escalation of the incident by the driver stopping his vehicle and running, Officer Chessum broadcast streets which were in the general vicinity to their location, but not their precise location. Officers are reminded that knowing a more precise location and broadcasting that information allows additional resources to be able to respond without delay to any incident that may escalate to where additional units are necessary. The Chief will direct this be a topic of discussion during the Tactical Debrief.

- **Handcuffing Arrestees** – The FID investigation revealed that after the OIS, Officer Chessum advised Officer Trujillo to handcuff Duff who appeared to be unconscious, as Officer Chessum was dealing with the large crowd that had begun to form. However, due to his injuries, Officer Trujillo was unable to do so and collapsed onto the ground. Additional responding officers either assisted Officer Trujillo or formed skirmish lines to move the crowd back away from the crime scene. Duff was unconscious until he was being transported by RA to the medical center, at which time he became confrontational and began to be physically resist being detained. Officer Covarrubias placed Duff into handcuffs. While it is reasonable that, considering the extraordinary nature of this incident in which Officer Trujillo was struck multiple times by gunfire and a large crowd began to press forward towards the crime scene, officers are reminded of the importance of officer safety and handcuffing suspects in order to maintain control of their hands and reduce their ability to re-arm themselves or commit a physical assault. The Chief will direct that this be a topic of discussion during the Tactical Debrief.
- **Preservation of Evidence** – The investigation revealed that as Officer Chessum waited for additional units to respond he kicked Duff’s pistol a short distance into the grass in order to prevent Duff from re-arming himself and to conceal it from the large aggressive crowd that began to form in front of him. After kicking the pistol to the grass, he placed his foot on top of it to maintain control as the crowd continually pushed forward and were in close proximity to him. Upon the arrival of Sergeant Udeshi, Officer Chessum advised him that he was *standing on the suspect’s gun*. Sergeant Udeshi directed Officer Chessum to pick up the pistol and secured it in his right rear pants pocket. In this circumstance, it is understandable that Officer Chessum was directed to recover Duff’s pistol due to the crime scene not being secured at the time and the large aggressive crowd assembling in the immediate vicinity. However, officers are reminded that whenever tactically feasible, it is preferable to have an uninvolved officer guard evidence and leave it undisturbed until FID investigators can properly document and preserve the scene. If evidence must be moved, officers should don appropriate personal protective equipment, such as latex gloves, to minimize altering or contaminating the evidence. The Chief will direct that this be a topic of discussion during the Tactical Debrief.

Command and Control

- *Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

The investigation revealed that Sergeant Gutierrez arrived at scene and declared himself the Incident Commander (IC). He observed officers carrying Officer Trujillo out of Long Beach Avenue and requested an update for the estimated time for arrival for the RA. He observed that Officer Trujillo appeared pale and unresponsive. Sergeant Gutierrez made the decision to transport Officer Trujillo to the hospital using a black and white police vehicle.

The UOFRB noted Sergeant Gutierrez's quick decision to transport Officer Trujillo, instead of waiting for the RA, demonstrated his leadership and ability to assess the situation under difficult circumstances.

Note: According to Sergeant Gutierrez, he spoke to Doctor K. Inaba at LAC USCMC who informed him that the decision to transport Officer Trujillo saved Officer Trujillo's life and that Doctor Inaba believed that had transportation been delayed, Officer Trujillo would have gone into cardiac arrest and not survived his injuries.

Sergeant Udeshi arrived at scene and observed Sergeant Gutierrez leave with Officer Trujillo. Sergeant Udeshi assumed the role of Incident Commander as he entered the Pueblo Del Rio Housing Development. He observed approximately 60 to 80 people in the area and ordered officers to form skirmish lines to move the crowd back away from the immediate vicinity of the crime scene and from Duff who was laying on the ground. Sergeant Udeshi's attention was initially focused on controlling the tactical incident. Sergeant Udeshi believed it was approximately 15

minutes after he initially arrived that he was able to obtain a PSS from Officer Chessim. Sergeant Udeshi then admonished and separated and monitored Officer Chessim. The UOFRB noted that Sergeant Udeshi immediately took on the role of IC and took charge of the rapidly escalating scene. Sergeant Udeshi's actions demonstrated active leadership, and he displayed a calm and composed demeanor. Sergeant Udeshi utilized assessment, planning, additional resources and communication to effectively manage an ongoing dynamic tactical incident.

Sergeant Gutierrez and Sergeant Udeshi's actions were consistent with Department supervisory training and met the Chief's expectations of field supervisors during a critical incident.

Officer Chessim's actions during this incident demonstrated active leadership. The UOFRB noted that despite being involved in the extraordinary circumstances of an OIS, assisting a critically injured officer in close proximity of the suspect, and the gathering of a large belligerent crowd, Officer Chessim maintained his composure, utilized his command presence to keep the crowd back, provided pertinent information to responding resources, safeguarded evidence, and directed others to begin an officer rescue for Officer Trujillo. Considering the different challenging tasks Officer Chessim took on, he calmly and effectively managed an ongoing and dynamic tactical incident.

Officers Chiu and Guerrero's actions during this incident also demonstrated active leadership. The UOFRB noted they were calm and composed and immediately provided medical aid to Officer Trujillo. Officer Chiu placed a Hobble Restraint Device as an improvised tourniquet to Officer Trujillo's left leg in order to prevent further blood loss. Officer Guerrero continued to speak to Officer Trujillo, to not only keep him conscious, but to reassure Officer Trujillo and comfort him. Officer Guerrero accompanied Officer Trujillo in the back seat of the police vehicle as they were being transported to the medical center and utilized his own personal medical kit, initiating an intravenous line. Both Officers Chiu and Guerrero were patient and utilized effective communication throughout the incident.

Officers Chessim, Chiu, and Guerrero's actions were consistent with Department training and met the Chief's expectations of senior officers during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that Officers Chessim, Trujillo, and Covarrubias' tactics did not substantially deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Although it was determined that Sergeants Gutierrez and Udeshi, and Officers Chiu and Guerrero, would not receive formal findings, the Chief believes that they would benefit from attending the Tactical Debrief to discuss this multi-faceted incident in its entirety to enhance future performance.

Therefore, the Chief will direct that Sergeants Gutierrez and Udeshi, and Officers Chessim, Trujillo, Covarrubias, Chiu, and Guerrero attend a Tactical Debrief and that the specific identified topics are discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Radio and Tactical Communication (including Code Six);
- Tactical Planning;
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

- On May 8, 2019, Officer Chessim attended a GTU. All mandatory topics were covered, including the Force Option Simulator (FOS). Officer Trujillo had not returned to work and was still recovering from his injuries; therefore, Officer Trujillo did not attend a GTU.

Drawing/Exhibiting

- Department policy relative to drawing and exhibiting a firearm is: "*An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified*" (*Los Angeles Police Department Manual, Volume No. 1, Section 556.80*).

Officer Chessim

Officer Chessim heard the sound of gunshots which indicated to him that a gun has been fired which could cause serious bodily injury or death. He believed that Officer Trujillo's, his life, or a community member's life would be in danger of injury or death. Officer Chessim believed that the situation might escalate to the point where he might have to use deadly force. Officer Chessim drew his service pistol.

Officer Chessum recalled,

The sound of gunshots would indicate -- well, gunfire causes serious bodily injury or death. And the sound of gunshots would indicate that a gun has been fired. And at that point in time, I -- I believed that either my partner's life, my life, or a community member's life would be in danger of injury or death. And believing that the situation might escalate to the point where I might have to use deadly force, I unholstered my firearm.³⁷

The crowd continued to advance on Officers Chessum and Trujillo. Officer Chessum believed that the situation was possibly going to escalate to the point where deadly force was going to be justified. A loaded handgun was on the ground next to Duff, along with a group of people that were approaching him and Officer Trujillo. Officer Chessum was also concerned that there may be a person in the group who was armed. Officer Chessum drew his service pistol and initially used the light on his pistol to illuminate the crowd before he held it a low-ready, in the direction of the ground in front of the crowd toward their lower extremities. Officer Chessum holstered his service pistol when he deemed it to be safe. When the crowd pushed forward and Officer Chessum felt that the situation may rise to the point where he might need to use either a warning shot or lethal force, he drew his service pistol again. Officer Chessum drew and holstered his service pistol approximately two to three times during this period as the crowd continued to close in on him as he waited for additional units.

Officer Chessum recalled,

The crowd continued to advance on us. At which point I believe that the tactical situation that we were involved in was going to possibly going to escalate to the point where deadly force was going to be justified, and I unholstered my firearm, my service duty weapon. I -- I did this as there was a -- a load -- a loaded handgun on the ground next to the suspect. There was a group of people that were approaching us. I did not know if any other persons in this group were armed.³⁸

I was unable to use my flashlight. I used my light that -- my tactical light that attached to my firearm as well as -- as they're approaching, I had it at low ready in case deadly force was going to be necessary in that instance. Once again, I did this with the intent to de-escalate the situation and it appeared to be effective against the approaching crowd when I gave them direct commands. And I displayed the firearm at a low ready that was more or less in the direction of their either lower extremities or the ground in front of them.³⁹

³⁷ Officer Chessum, Page 50, Lines 9-18.

³⁸ Officer Chessum, Page 28, Lines 1-9.

³⁹ Officer Chessum, Page 29, Lines 10-20

More additional units began to arrive giving me the ability to -- throughout the situation several times I'd holstered my firearm when I deemed it to be safe. I did not want to escalate the situation more than needed, as I know it causes citizens kind of undue anxiety at times. So I had holstered it and for my own safety it's not good to always have a -- just a firearm in your hand. It's not always the best option. And I would unholster it when I felt that once again that it might rise to the point where I might need to use either a warning shot or a lethal force.⁴⁰

Officer Trujillo

According to Officer Trujillo, as he was following Officer Chessum north through the Pueblo Del Rio Housing Development, he observed Duff with a gun in his hand, coming around the corner of a building. Officer Trujillo observed that Duff's attention was initially drawn to Officer Chessum's direction as Duff tracked Officer Chessum. Duff then turned and faced Officer Trujillo, armed with a gun. Duff moved his pistol from a low-ready to on target, both hands on the gun, and pointed it directly at Officer Trujillo. Officer Trujillo simultaneously unholstered his service pistol, as Duff turned toward Officer Trujillo and fired his pistol at Officer Trujillo.

Officer Trujillo recalled,

...I observed a second suspect, which had no relation to the traffic stop. Never seen him before. Didn't know who he was. He comes around the corner of a building, and I can see he has a gun in his hand. And his attention is initially drawn to my partner's direction, and he's also behind, tracking my partner, it's within maybe a second that he turns, faces me, and he immediately fires a round at me. I – once I see the first round, I can see the muzzle flash, and I saw the gun, I immediately drew my firearm and fired.⁴¹

I unholster simultaneously as his attention focused towards me. So right as he's turning and facing me with a gun.⁴²

He went from what we would refer to as a low-ready to on target, both hands on the gun, and pointed it directly at me.⁴³

Yes, because we were both running at the same, per se, so I remember I was unholstering while almost simultaneously moving as well.⁴⁴

⁴⁰ Officer Chessum, Page 30-31, Lines 23-25 and 1-3.

⁴¹ Officer Trujillo, Page 10, Lines 5-16.

⁴² Officer Trujillo, Page 47, Lines 2-4.

⁴³ Officer Trujillo, Page 47, Lines 7-9.

⁴⁴ Officer Trujillo, Page 49-50, Lines 25 and 1-2.

Yes. He, the suspect with the gunshot first. At that point, I began to unholster. So there's possibly more shots that he fired. And then that's when I began to fire, so I was -- I was late because I had to draw my gun from my holster.⁴⁵

In this case, the UOFRB conducted a thorough review and evaluation of the reasonableness of Officer Chessum's Drawing/Exhibiting. The UOFRB noted that Officer Chessum initially drew his service pistol upon hearing gunfire. Officer Chessum was fearful for not only the safety of himself and Officer Trujillo, but the community as well.

Officer Chessum again drew his service pistol when the crowd pushed forward towards him and Officer Trujillo, making him fearful for their safety. He ordered the crowd to stay back and utilized his tactical light to illuminate the crowd to see if there were any individuals armed with weapons. Officer Chessum was concerned that the crowd may also contain a person who was armed. He also noted that there was a loaded pistol in close proximity to Duff. The UOFRB noted that Officer Chessum was initially the only officer at scene who could protect them, as Officer Trujillo was severely injured. Officer Chessum drew his service pistol approximately two additional times for the same circumstances.

In this case, the UOFRB conducted a thorough review and evaluation of the reasonableness of Officer Trujillo's Drawing/Exhibiting. The UOFRB noted that Officer Trujillo observed Duff holding a pistol in his hand following Officer Chessum from behind. As Officer Trujillo continued following Officer Chessum, Duff suddenly turned, raised his pistol at Officer Trujillo, and began firing at Officer Trujillo from a distance from approximately ten feet. Officer Trujillo in fear for his life, immediately drew his service pistol to defend himself.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Chessum and Trujillo, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Officers Chessum's and Trujillo's Drawing/Exhibiting to be In Policy, No Further Action.

Use of Force – General

- *It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:*
 - *Defend themselves;*
 - *Defend others;*

⁴⁵ Officer Trujillo, Page 51, Lines 2-6.

- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Non-Lethal Use of Force⁴⁶

It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

⁴⁶ Los Angeles Police Department Manual, Volume 1, Section 556.10.

Officer Covarrubias – Firm Grip

Officer Covarrubias escorted Duff in the RA. While enroute to LAC USCMC, Duff appeared to be unconscious and was not in handcuffs to allow LAFD personnel the ability to provide medical aid; however, Duff regained consciousness and became verbally and physically uncooperative with LAFD personnel who were attempting to provide medical aid. Duff became violent and uncooperative with the LAFD personnel. Duff became aggressive and attempted to pull his arms away and sit up. In order to prevent Duff from taking out an IV or a patch on his gunshot wound, Officer Covarrubias decided to take control of Duff's hands and place Duff in the handcuffs. Officer Covarrubias utilized a firm grip with both hands on Duff's left wrist and handcuffed Duff's left wrist to the gurney. He then handcuffed Duff's right wrist above his head to the gurney without incident. Officer Covarrubias handcuffed Duff to the gurney so that Duff would have less room to swing his arms around. LAFD personnel then utilized soft restraints to secure Duff's ankles to the foot of the gurney and placed a spit mask over Duff's head.

Note: LAFD Paramedics Needham and Franklin, as well as LAFD Firefighter Friemoth, assisted with controlling Duff and allowing him to be handcuffed by Officer Covarrubias.

Officer Covarrubias recalled,

...The suspect became violent and began moving his arms around, not allowing -- the -- the paramedics to do their job and -- attempt to assist this individual in whatever medical needs he needed.⁴⁷

This person is -- it appears that he wants to be, you know, uncooperative with what we're doing, so we -- we eventually have to grab his hands and -- and -- and hold his hands to avoid him, you know, taking out a -- an IV or -- or -- or a patch on his -- on his gunshot wound or anything like that... At which point, we -- we have to take control of his hands and place him in the handcuffs and handcuff him to the gurney so that he has less room to -- to swing his arms around and to, you know, to allow them to do their job.⁴⁸

The UOFRB reviewed the non-lethal force utilized by Officers Covarrubias. Officer Covarrubias was directed by Sergeant Udeshi to accompany Duff in the RA to the medical center. LAFD personnel were in the process of providing medical treatment to Duff. When Officer Covarrubias first observed Duff, Duff appeared to be unconscious and, although Duff was detained, was not handcuffed. Duff abruptly regained consciousness and became verbally and physically uncooperative. He cursed at Officer Covarrubias and LAFD personnel and stated, "Pueblo Bishops" and "Baby CKO," referring to a gang and his self-identification. Duff then began to

⁴⁷ Officer Covarrubias, Page 12, Lines 17-21.

⁴⁸ Officer Covarrubias, Page 13, Lines 1-6; Page 11, Lines 11-15.

physically resist LAFD personnel as they attempted to continue their medical treatment. Officer Covarrubias assisted LAFD personnel in restraining Duff and utilized a two-handed firm grip to control Duff's left wrist. Officer Covarrubias then handcuffed Duff's left wrist to the gurney. Officer Covarrubias was able to handcuff Duff's right hand above Duff's head to the gurney without any additional force. Officer Covarrubias used a minimum level of force to overcome Duff's resistance and to maintain control of Duff, who was being detained.

The UOFRB noted that when Officer Covarrubias first saw Duff in the RA he appeared to be unconscious and was not handcuffed. The UOFRB would have preferred Duff was handcuffed upon the arrival of additional units, but noted that the scene was extremely chaotic due to the injuries to Officer Trujillo, as well as the crowd which was in close proximity to the crime scene.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Covarrubias, while faced with similar circumstances, would believe that the same application of non-lethal force would be reasonable to overcome Duff's resistance and to maintain Duff's detention.

Therefore, the Chief found Officer Covarrubias's Non-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

Lethal Use of Force

- *Law enforcement officers are authorized to use deadly force to:*
 - *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
 - *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
 - *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.*

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force (Los Angeles Police Department Manual, Volume No.1, Section 556.10).

Officer Trujillo - .45 caliber, six to seven rounds, in two volleys of fire, from an approximate decreasing distance from ten to two feet.⁴⁹

⁴⁹ Officer Trujillo's service pistol when recovered contained seven rounds of Department-approved ammunition in the magazine. Magazine capacity is 13 rounds. A single round in the chamber. Six discharged cartridge cases were recovered at scene that were attributed to Officer Trujillo's pistol. The

Note: The FID investigation was unable to determine if Officer Trujillo fired a total of six or seven rounds.

According to Officer Trujillo, he estimated that during the discharging of his service pistol, he estimated the distance between him and Duff to be from approximately 10 feet to four feet.

Volley One – North, northeast, and easterly direction.

According to Officer Trujillo, Duff had both hands on the gun and pointed it directly at Officer Trujillo. Officer Trujillo saw the muzzle flash of Duff's pistol as Duff was firing rounds at him. Officer Trujillo immediately fired rounds back at Duff. Duff continued to fire his rounds as Officer Trujillo discharged his service pistol. Officer Trujillo felt that he needed to take immediate defense of his life.

Officer Trujillo recalled,

Okay. Well, the moment I first saw him, it's his -- it seemed like his attention was on my partner, almost like if he was tracking him to try and shoot him in the back just because the way he was posturing and walking behind him, or running behind him was indicative of he was going to shoot my partner in the back.⁵⁰

Yes, because I was already running, I -- it was within maybe all within a second when I observed him looking at my partner. I'm already running in that direction. He notices me. And I remember him turning towards me and pointing the gun at me and seeing the muzzle flash.⁵¹

He went from what we would refer to as a low-ready to on target, both hands on the gun, and pointed it directly at me. At that time, I feared that he was going to shoot me.⁵²

I believe my rounds were fired simultaneously at the -- at the suspect. He continued to fire his rounds as I fired my rounds.⁵³

potential seventh casing was not located. The investigation was unable to determine if Officer Trujillo fired six or seven rounds.

⁵⁰ Officer Trujillo, Page 46, Lines 2-8.

⁵¹ Officer Trujillo, Page 46, Lines 19-24.

⁵² Officer Trujillo, Page 47, Lines 7-9 and 12-13.

⁵³ Officer Trujillo, Page 51-52, Lines 10-11, 25 and 1

*At one point, he stopped firing, and -- but his gun was still in his hand as he's going down to the ground.*⁵⁴

*Yeah. It's -- the way I recall it is when he actually turned and fire -- shot at me was both hands on the gun. His -- I believe he's -- he had like a, almost like a low stance, kind of like his -- his knees were bent, and he was actually almost like even, leaned forward, and his arms were fully extended out.*⁵⁵

*I mean, everything happened in less than maybe a second. By the time I observed him, he observed me, he turned and pointed the gun at me, there was -- it was not feasible to give any type of command. It was -- he escalated it. The suspect's actions escalated it to the point where I needed to take immediate defense of my life, and I needed to unholster and fire -- fire rounds back at him.*⁵⁶

Note: Initially, Officer Trujillo believed he had fired all his rounds, "in controlled pairs," in one sequence of fire. Upon reviewing enhanced video from the Pueblo Del Rio Housing Development, Officer Trujillo clarified that he *continued to shoot* until he *no longer perceived a threat*. He observed Duff shoot even as Duff was falling to the ground and clarified he did fire additional rounds as Duff was going to the ground because Duff was still a threat.

Volley Two – Southerly, downward direction.

As Duff was in the process of falling to the ground, Duff continued to fire rounds at Officer Trujillo, which resulted in Officer Trujillo firing the second volley of rounds. Officer Trujillo stopped firing rounds when he believed that Duff was no longer a threat and would not cause more harm to him. Officer Trujillo was unsure of the total number of rounds that he fired at Duff, but believed it may have been as many as six rounds.

Officer Trujillo recalled,

*You know, the suspect shot first. And I continued. Once I unholstered it and I shot, I continued to shoot until I didn't -- I no longer perceived a threat there, the suspect to be a threat. And watching the video, I see that even as he's falling to the ground, he still fires one shot, and the video shows the muzzle flash from him still going, firing that round as he's going down to the ground, so he's still fighting. Even as he shot and falling to the ground, he's still fighting, trying to shoot.*⁵⁷

⁵⁴ Officer Trujillo, Page 52, Lines 4-6.

⁵⁵ Officer Trujillo, Page 65, Lines 2-8.

⁵⁶ Officer Trujillo, Pages 66-67, Lines 18-25 and 1-4.

⁵⁷ Officer Trujillo, Page 79, Lines 9-19.

...what I recall is still consistent with me shooting at what I believe to still be a threat and him still firing a gun.⁵⁸

...the way I recall it, I thought everything was just continuous. Like there was no pause.⁵⁹

Note: The investigation revealed that the total time for Volley One and Volley two combined was approximately four seconds.

In this case, the UOFRB conducted a thorough review and analysis of the reasonableness of Officer Trujillo's use of lethal force and considered the details of the officers' encounter with the unidentified driver they were in foot pursuit of prior to the encounter with Duff. The UOFRB noted that the officers were in foot pursuit of a separate driver and did not perceive the movements or actions of Duff until he ambushed them.

Duff moved to a position of advantage as Officer Chessum and Trujillo were in foot pursuit of the driver and appeared to wait for Officer Chessum to pass Duff. Duff appeared to be following behind Officer Chessum with a handgun in his hand when his attention focused on Officer Trujillo who was trailing behind. Officer Trujillo observed Duff armed with a pistol. Officer Trujillo assessed the situation as a potentially lethal force situation and had started to draw his service pistol as Duff suddenly and without warning, turned and fired multiple times at Officer Trujillo. Officer Trujillo, in response to the sudden lethal threat that appeared in front of him, fired between six and seven rounds from a two-handed position at a decreasing distance of ten to two feet. Officer Trujillo ceased firing after he assessed that Duff had fallen to the ground and no longer posed a deadly threat.

The UOFRB noted that although Officer Trujillo used lethal force to defend his life, he also demonstrated composure even after he had been struck by gunfire when he assessed the situation and re-holstered his service pistol so he would not lose control of it and potentially endanger community members by having the firearm unsecured and accessible.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Trujillo, would reasonably believe Duff's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, the Chief found Officer Trujillo's Use of Lethal Force to be In Policy, No Further Action.

⁵⁸ Officer Trujillo, Pages 79-80, Lines 24-25 and Line 1.

⁵⁹ Officer Trujillo, Page 81, Lines 7-9.

Additional/Equipment

BWV Activation – The investigation revealed that during the incident, Officer Chessum's BWV was activated late. Officer Chessum stated he activated his BWV after he heard the gunfire and broadcasts “shots fired.” He advised he was unable to activate his BWV when initiating his foot pursuit of the suspect due to the sudden nature with which the suspect stopped his vehicle and fled. This issue was brought to the attention of Captain H. Mohammadi, Serial No. 36506, Commanding Officer, Newton Patrol Division, who addressed this issue through divisional training as well as the generation of a Supervisory Action Item (SAI). The Commanding Officer of Operations - Central Bureau (OCB) and the Director of the Office of Operations (OO) concurred with this action. As such, the Chief deemed no further action to be necessary.

Watch Commander’s Daily Report – The investigation revealed that the Watch Commander’s Daily Report, completed by Lieutenant D. Garland, Serial No. 33329, Newtown Patrol Division, contained minor deviations regarding notifications and documentation. The Categorical UOF Box was not checked and additionally, the names of all the supervisors who monitored Officer Chessum, along with the corresponding times, were not fully documented. This issue was brought to the attention of Captain Mohammadi, who addressed this issue through divisional training, which was entered into the Learning Management System (LMS) as well as the generation of a SAI. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, the Chief deemed no further action to be necessary.

Profanity – The investigation revealed Duff became verbally and physically uncooperative with LAFD personnel while being transported to the hospital in the RA. Officer Covarrubias, who was accompanying Duff in the RA, utilized profanity while ordering Duff to cease his actions. This issue was brought to the attention of Captain Mohammadi, who addressed this issue through divisional counseling, as well as the generation of a SAI. The Commanding Officer of OCB the Director of the OO concurred with this action. As such, the Chief deemed no further action to be necessary.

Audio/Video Recordings

Outside Video – Surveillance cameras from the Pueblo Del Rio Housing Development captured various portions of the encounter. Several videos, which were recorded without sound, depicts the silver BMW being followed by the officers in their police vehicle, the foot pursuit of the driver, and Duff moving into a position to confront Officer Trujillo. A video also depicts Duff firing the first round and Officer Trujillo and Duff exchanging gunfire. The formation of a crowd and the actions of responding officers can also be seen.

Digital In-Car Video System (DICVS) – Officers Trujillo and Chessum’s DICVS captured them following the silver BMW and the start of the foot pursuit. Additional

police vehicles equipped with DICVS responded to the “Officer Needs Help Call.” None of these videos captured the OIS.

Body Worn Video (BWV) – Officer Trujillo’s BWV captured the foot pursuit and the OIS.

Officer Chessim’s BWV captured the foot pursuit and the events immediately after the OIS.

Officers Chiu and Martinez’ BWVs captured their arrival as the first backup unit, their contact with Officer Trujillo, and application of the HRD around Officer Trujillo’s leg.

Officer Guerrero’s BWV captured the care he provided to Officer Trujillo while being transported to the hospital.

Officer Covarrubias’ BWV captured the transportation of Duff to the hospital in the RA.

Sergeant Gutierrez’ BWV captured him initially declaring himself Incident Commander and the decision to transport Officer Trujillo in a police vehicle.

Sergeant Udeshi’s BWV captured his actions as the Incident Commander, including the establishment of skirmish lines, securing of the scene, and his contact with Officer Chessim.

Approximately 401 additional BWV’s were identified as being related to this incident. The videos captured activities related to the securing of the crime scene, crowd control efforts, and the establishment of a perimeter. The additional BWV’s did not capture the foot pursuit or the OIS.

Chief’s Direction

- The circumstances of this incident resulted in an officer and suspect sustaining multiple gunshot wounds necessitating immediate medical attention. Preservation of life remains one of the guiding principles of the Department in all situations, both when a use of force is involved or in daily field contacts. In an effort to better serve the community and officers, the Department is currently developing a, “Tactical Medicine for Law Enforcement” course with the guidance of leading medical professionals specializing in traumatic injury treatment. While not proffering this initiative as a substitute for traditional medical care, there may be rare instances where an officer’s training and basic knowledge can make the difference between survival or death of an individual. Reverence for human life is not only a philosophy but it has tangible obligations, as well, and the organization continues to strive for quality through continuous improvement by seeking additional options to serve in all possible ways. This course would supplement our currently distributed Officer First Aid Kits.

Additionally, the Chief is directing the Office of Operations and the Office of Special Operations to audit their personnel to ensure that the Officer First Aid Kits are properly deployed and that cardiopulmonary resuscitation certifications are current. These protocols allow commanding officers to ensure that all officers assigned to field operations are equipped with the necessary tools to provide emergency first aid to community members, suspects, or fellow officer, as needed.

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INSPECTOR GENERAL REVIEW

Inspector General Analysis

Investigation Quality

- No significant issues of concern were identified in relation to investigation quality.

Training Issues

- No significant issues of concern were identified in relation to training.

Equipment Issues

- No significant issues of concern were identified in relation to equipment.

Detention

- The OIG concurs with the Chief's analysis.

Tactical De-Escalation

- The OIG concurs with the Chief's analysis.

Inspector General Recommendations

Tactics

- The OIG concurs with the Chief's findings.
- Following the OIS, Officer Chessum pointed his pistol and its attached tactical light in the direction of the lower extremities – at minimum – of individuals in the crowd that had formed nearby. In its review of this matter, the OIG considered that the basic firearms safety rules established by Department training include guidance that an officer should never allow the muzzle of his or her firearm to cover anything he or she is not willing to shoot. As such, attempting to control a crowd by pointing a firearm in the direction of its members, absent an immediate defense of life situation, would generally be inappropriate. In this case, however, Officer Chessum was faced with an extraordinary set of circumstances that included his partner having been shot, the nearby presence of the unhandcuffed suspect as well as the suspect's unsecured firearm, an urgent need for Officer Chessum to use his radio to communicate, and the possibility that other individuals might continue to threaten his and his partner's safety in furtherance of the ambush to which they had just been subjected. Under these circumstances, the OIG does not believe that Officer Chessum's actions amounted to a substantial and unjustified deviation from approved Department tactical training. Nevertheless, the OIG recommends that the

issue of pointing a pistol in order to hold back a crowd be addressed in the Tactical Debrief.

Drawing/Exhibiting

- The OIG concurs with the Chief's findings.

Non-Lethal Use of Force

- The OIG concurs with the Chief's findings.

Lethal Use of Force

- The OIG concurs with the Chief's findings.

A handwritten signature in black ink, appearing to read "MPS".

MARK P. SMITH
Inspector General